

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DAVID HALL,)
Plaintiff,)
v.)
CNP OKLAHOMA, LLC,) Case No. CIV-24-141-R
CHICKEN N PICKLE LLC, AND JOHN)
DOE COMPANY,)
Defendant.)

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants CNP Oklahoma, LLC and Chicken N Pickle, LLC (“CNP” or “Defendants”) appear for the purpose of removing to this Court the action styled, *David Hall v. CNP Oklahoma, LLC, Chicken N Pickle, LLC and John Doe Company*, Case No. CJ-2023-7013 currently pending in the District Court of Oklahoma County, Oklahoma. Defendants remove this case on grounds of federal question jurisdiction under 28 U.S.C. § 1331, as provided for in 28 U.S.C. § 1441. In support of its Notice of Removal, Defendants state as follows:

1. On December 13, 2023, Plaintiff David Hall (“Plaintiff”) commenced an action in the District Court of Oklahoma County, Oklahoma, by filing his Petition in the case styled *David Hall v. CNP Oklahoma, LLC, Chicken N Pickle, LLC and John Doe Company*, Case No. CJ-2023-7013 (the “State Court Action”). Plaintiff’s Petition asserts claims for race discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* and the Oklahoma Anti-Discrimination Act.

2. Defendant agreed to accept service on January 17, 2024 as to both of the named Defendants. Although Plaintiff attempted to serve Defendant Chicken N Pickle, LLC, the service

was returned as undeliverable according to counsel for Plaintiff. Defendant CNP Oklahoma, LLC also did not receive service. Accordingly, Defendant agreed to accept service on January 17, 2024 and Plaintiff's counsel agreed that January 17, 2024 would be the date of service.

4. Defendants are filing this Notice of Removal within thirty (30) days after the agreed service date of January 17, 2024. Therefore, this Notice of Removal is timely filed under the provisions of 28 U.S.C. § 1446(b).

5. The District Court of Oklahoma County, Oklahoma is located within the Western District of Oklahoma. Venue is proper in this Court because it is the "district and division embracing the place where such [state court] action is pending." 28 U.S.C. § 1441(a).

6. In accordance with 28 U.S.C. § 1446(a), a copy of the entire state court file in the State Court Action, including the docket sheet, all pleadings, and all papers that have been filed and served on Defendants in the State Court Action, is attached to this Notice. (**See Exhibit 1, State Court Docket Sheet; Exhibit 2, Petition; Exhibit 3, Notice of Hearing of Motion for Default Judgment Against Defendant CNP Oklahoma, LLC; Exhibit 4, Motion for Default Judgment Against Defendant CNP Oklahoma, LLC; Exhibit 5, Plaintiff's Motion to Withdraw Motion for Default Judgment; Exhibit 6, Order**).

7. Defendants will promptly, upon filing this Notice of Removal, give written notice to Plaintiff's counsel and will file a copy of this Notice of Removal with the District Court of Oklahoma County, Oklahoma, as required by 28 U.S.C. § 1446(d).

This Court Has Original Federal Question Jurisdiction Over Plaintiff's Claim

9. In his Petition, Plaintiff asserts claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (**See Plaintiff's Petition, Counts I and II**).

10. Accordingly, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 because the allegations and claims in Plaintiff's Petition "aris[e] under" a law of the United States.

11. To the extent that Plaintiff's Petition also asserts claims under state law, those claims are so related to the claims in this action within this Court's original jurisdiction that they form part of the same case or controversy under Article III of the Constitution, and this Court, therefore, has supplemental jurisdiction of those claims pursuant to 28 U.S.C. § 1337(a).

WHEREFORE, Defendants CNP Oklahoma, LLC and Chicken N Pickle, LLC respectfully give notice that the action now pending in the District Court of Oklahoma County, Oklahoma, *David Hall v. CNP Oklahoma, LLC, Chicken N Pickle, LLC and John Doe Company*, Case No. CJ-2023-7013, is removed from that Court to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. § 1441.

Respectfully submitted this 6th day of February, 2024.

/s/ B. Gore Gaines

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ATTORNEYS FOR DEFENDANT
CNP OKLAHOMA, LLC, CHICKEN N
PICKLE, LLC

CERTIFICATE OF SERVICE

I certify on this 6th day of February, 2024 that a true and correct copy of the above and foregoing document was transmitted by regular US mail and by electronic mail to:

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ATTORNEYS FOR PLAINTIFF

/s /B. Gore Gaines
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